

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS

DAVID J. DUTTON,

Plaintiff,

vs.

FOOD LION, LLC,

Defendant.

SUMMONS
Jury Trial Requested

TO: THE DEFENDANT ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is hereby served upon you, and to serve a copy of your Answer to the said Complaint on the subscribers at their office, Harris & Graves, P.A., 812 Laurens Road, Greenville, South Carolina 29607, within thirty (30) days after service thereof exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

BY: s/Edwin L. Turnage
Edwin L. Turnage (SC Bar No. 12842)
HARRIS AND GRAVES, P.A.
P.O. Box 6263
Greenville, SC 29606
(864) 235-1331
elt@harrisgraves.com

Attorney for Plaintiff

Greenville, South Carolina
Dated: March 8, 2022

STATE OF SOUTH CAROLINA
COUNTY OF ANDERSON

IN THE COURT OF COMMON PLEAS

DAVID J. DUTTON,

Plaintiff,

COMPLAINT

vs.

FOOD LION, LLC,

Defendant.

The Plaintiff would respectfully show unto the Court that:

1. The Plaintiff is a citizen and resident of Anderson County, South Carolina.
2. On or about November 14, 2020, Defendant, a North Carolina corporation, was operating a Bi-Lo grocery store in Pelzer, South Carolina, which was located in Anderson County, South Carolina.
3. In November 2020, Defendant owed the following duties to shoppers it invited to its grocery store:
 - a. A grocery store must provide shoppers a reasonably safe environment to prevent accidents and protect people from serious injury;
 - b. A grocery store aware of a slippery floor condition must warn store shoppers of the wet floor to prevent falls and protect patrons from severe injury;
 - c. A grocery store aware of a wet, slippery floor condition must take reasonably prudent steps to clean up the water to prevent falls and protect shoppers from severe injury; and

- d. A grocery store must periodically inspect its store for hazardous conditions like puddles to prevent them and warn shoppers, and to protect shoppers from severe injury.
4. On November 14, 2020, a puddle of clear water was located on the Pelzer Bi-Lo (now Food Lion) floor in an area used by shoppers.
5. The clear water on the floor was difficult for shoppers to see.
6. The clear water on the floor made the floor slippery.
7. Defendant was aware, or should have been aware by reasonable diligence, of the slippery puddle of water on the floor of its Pelzer store.
8. Defendant did not warn shoppers of the hazardous condition.
9. Defendant did not clean up the puddle of water on the floor.
10. On or about November 14, 2020, David Dutton was shopping in the Pelzer, Bi-Lo grocery store. He did not see the puddle of water on the floor. He slipped in the water and fell, lacerating his knee.
11. As a result of David Dutton's fall at the Defendant's Pelzer grocery store, he sustained the following injuries and damages:
 - a. pain, mental anguish and discomfort;
 - b. total disability for a period of time;
 - c. money spent for medical care and treatment;
 - d. inability to carry on normal activities;
 - e. loss of enjoyment of life;
 - f. permanent impairment;
 - g. permanent scarring; and
 - h. lost wages.
12. The injuries and damages incurred by David Dutton were directly and proximately caused by the careless, negligent, grossly negligent, willful, wanton,

reckless and unlawful acts of Defendant Food Lion, LLC, doing business as Bi-Lo, in one or more of the following particulars:

- a. Defendant failed to keep its grocery store in a reasonably safe condition for shoppers;
- b. Defendant failed to warn its grocery store shoppers of a hazardous condition on its floor;
- c. Defendant failed to repair a hazardous condition on its floor; and
- d. Defendant did not periodically inspect its store for hazardous conditions.

13. The careless, negligent, grossly negligent, willful, wanton, reckless and unlawful acts of Defendant were the direct and proximate cause of the fall and resulting injuries and damage.

14. David Dutton is informed and believes that he is entitled to judgment against the Defendant for actual and punitive damages in an appropriate amount.

WHEREFORE, the Plaintiff prays judgment against the Defendant for actual and punitive damages in an appropriate amount, the costs of this action, and for such other and further relief as the Court may deem just and proper.

BY: s/Edwin L. Turnage
Edwin L. Turnage (SC Bar No. 12842)
HARRIS AND GRAVES, P.A.
P.O. Box 6263
Greenville, SC 29606
(864) 235-1331
elt@harrisgraves.com

Attorney for Plaintiff

Greenville, South Carolina
Dated: March 8, 2022